

## **RESOLUTION NO. RS2019-1628**

### **A resolution supporting civil asset forfeiture reform.**

WHEREAS, civil asset forfeiture refers to the seizure of property from citizens suspected of criminal activities; and

WHEREAS, Tennessee's civil asset forfeiture laws permit law enforcement to seize assets from an individual without ever charging him or her with a crime; and

WHEREAS, civil asset forfeiture reverses the presumption of innocence that is fundamental to the American criminal justice system, requiring the individual to prove his or her property was not acquired by, or ever used in, criminal activity; and

WHEREAS, individuals whose property has been wrongfully seized by the government might not have the time, expertise, or resources to reacquire their property; and

WHEREAS, civil asset forfeiture incentivizes law enforcement agencies to promote the aggressive seizure of personal property as a means of obtaining additional funding; and

WHEREAS, on February 20, 2019, the U.S. Supreme Court ruled unanimously in *Timbs v. Indiana* that the 14<sup>th</sup> Amendment to the U.S. Constitution bars states and localities from collecting excessive fines, as stated in the Eighth Amendment, thereby applying limits to civil asset forfeiture at the state and local levels; and

WHEREAS, civil asset forfeiture is opposed by organizations including the American Civil Liberties Union (ACLU), Americans for Prosperity (AFP), the Heritage Foundation, and the National Association for the Advancement of Colored People (NAACP); and

WHEREAS, a report from the Tennessee Advisory Committee to the U.S. Commission on Civil Rights found that Tennessee's current civil asset forfeiture law "raises significant civil rights concerns regarding the fair and equitable administration of justice"; and

WHEREAS, the platforms of the Republican, Democratic, Libertarian, and Green parties each call for the reform of civil asset forfeiture laws, and a recent poll shows 84 percent of Americans oppose the practice of taking assets prior to or without a conviction for a crime; and

WHEREAS, efforts are ongoing in the Tennessee General Assembly to reform Tennessee's civil asset forfeiture laws.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Metropolitan Council hereby goes on record as opposing civil asset forfeiture absent a criminal conviction directly related to the seized property.

Section 2. The Metropolitan Council further goes on record as supporting efforts by the Tennessee General Assembly to make Tennessee's civil asset forfeiture laws consistent with the principle of individual liberty.

Section 3. The Metropolitan Clerk is directed to send a copy of this Resolution to the Davidson County delegation of the Tennessee General Assembly.

Section 4. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Dave Rosenberg

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Freddie O'Connell  
Members of Council